

04-CV-01964-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOSEPH T. EVANS,

Plaintiff,

v.

KING COUNTY CORRECTIONAL  
FACILITY,

Defendant.

CASE NO. C04-1964TSZ

ORDER OF DISMISSAL

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

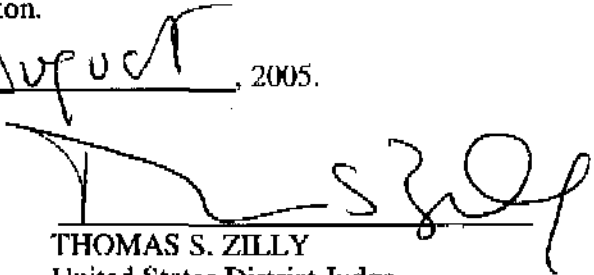
- (1) The Court adopts the Report and Recommendation.
- (2) Plaintiff's complaint and this action are DISMISSED without prejudice.
- (3) The Clerk is directed to terminate this action pursuant to 28 U.S.C. § 1915(e)(2)(B) and to count this as a dismissal under 28 U.S.C. § 1915(g).

ORDER OF DISMISSAL

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(4) The Clerk is further directed to send copies of this Order to plaintiff and to the  
Honorable Monica J. Benton.

DATED this 26<sup>th</sup> day of August, 2005.

  
THOMAS S. ZILLY  
United States District Judge